EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2.   Authorization for this examiner's amendment was given in a telephone interview with Mr. Chester Jordan on 1 April 2010.

Amendments to the Claims

3.   This listing of claims will replace all prior versions and listings of claims in this application.

Listing of Claims:

1-30.   (Cancelled)

31. (Currently Amended) A method for selecting a logical branch in a storyline among a plurality of available storyline branches on a computing device, based on voters' votes, comprising:

obtaining and accumulating, the votes from the voters on a computing device for at least one of the plurality of available storyline branches, during the presentation of the storyline;

selectively excluding votes, using the computing device, based on voter characteristics from the accumulated votes for a specific storyline branch;

multiplying, using the computing device, at least one received vote by a weight factor based on voter characteristics, the weighting factor being based on at least ticket pricing;

calculating, using the computing device, a total for the accumulated and weighted votes; and

[[selecting]] determining, using the computing device, a winning tally that corresponds to one of the plurality of available storyline branches;

selecting and presenting, using the computing device, at least one of the available storyline branches with the winning tally as a future storyline branch [[said corresponding storyline branch of the plurality of available storyline branches,]] during the presentation of the storyline, [[as a future storyline branch, based on the accumulated votes]], and

generating, using the computing device, a media version matrix specifying a selected storyline having a particular set of logical branches selected by the voting for later use and retrieval, by recording

each selected corresponding storyline branch of the plurality of available storyline branches on the computing device.

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32.   (Previously Amended)   The method of claim 31, further comprising transferring the future storyline branch to a content branching system.

33.   (Previously Amended)   The method of claim 32, further comprising displaying the transferred future storyline branch.

34.   (Original)   The method of claim 31, further comprising selectively excluding votes for a specific storyline branch.

35.   (Original)   The method of claim 34, wherein selectively excluding votes for a specific storyline branch comprises excluding the votes within a predetermined period of time before the specific storyline branch occurs.

36.   (Original)   The method of claim 31, further comprising determining if the votes are weighted.

37.   (Original)   The method of claim 36, wherein if the votes are weighted, selectively multiplying the votes by respective weight factors.

38.   (Original)   The method of claim 31, further comprising determining if additional votes remain to be accumulated; and wherein if additional votes remain to be accumulated, repeating an accumulation of the votes until all the votes have been incremented.

39.   (Previously Amended)   The method of claim 31, further comprising saving a record of the selected storyline branch for later replay.

40.   (Original)   The method of claim 36, wherein the votes are weighted based on a graduated ticket pricing.

41.   (Currently amended)   A computer executable program product comprising computer [[Computer]] executable instructions [[that are]] tangibly embodied on a computer readable medium wherein the computer executable instructions perform the method steps of:
        presenting a storyline having a plurality of possible future storyline branches to a plurality of voters;

obtaining and accumulating votes from said voters for [[a]] at least one of the plurality of possible continuing future storyline [[branch]] branches during the presentation of said storyline;

selectively excluding votes based on voter characteristics from the accumulated votes for a specific storyline branch;

multiplying at least one received vote by a weight factor based on voter characteristics, the weighting factor being based on at least ticket pricing;

calculating a total for the accumulated and weighted votes; and

determining [[selecting]] a winning tally that corresponds to a specific storyline branch; and

selecting and presenting, at least one of the available storyline branches with the winning tally as a future storyline branch

[[selecting said corresponding storyline branch as the future storyline branch]] during the presentation of said storyline based on the accumulated votes; generating a media version matrix specifying a selected storyline having a particular set of logical branches selected by the voting for later use and retrieval, by recording each selected corresponding storyline branch of the plurality of available storyline branches on a computing device.

42.   (Previously amended)   The computer program product of claim 41, further comprising the method step of transferring the selected storyline branch to a content branching system.

43.   (Previously amended)   The computer program product of claim 42, further comprising the step of displaying the transferred storyline branch.

44.   (Previously amended)   The computer program product of claim 41, further comprising selectively excluding votes for a specific storyline branch.

45.   (Previously amended)   The computer program product of claim 44, further comprising the step of excluding votes cast within a predetermined period of time before the specific storyline branch occurs.

46.   (Previously amended)   The computer program product of claim 41, further comprising the method step of determining if the votes are weighted.

47.   (Previously amended)   The computer program product of claim 46, further comprising the method step of selectively multiplying the votes by respective weight factors.

48.   (Previously amended)   The computer program product of claim 41, further comprising determining if additional votes remain to be accumulated; and if additional votes remain to be accumulated, repeating the accumulation of the votes until all the votes have been incremented.

49.   (Currently amended)   The computer program product of claim 41, further comprising saving a record of the <u>selected</u> storyline branch for later replay.

50.   (Previously amended)   The computer program product of claim 46, further comprising the method step of weighing the votes based on ticket pricing.

51-60   (Cancelled)

61.   (Currently Amended)   A system for the dynamic selection of a logical branch from a plurality of available branches in a storyline recorded on an electronic medium comprising:

        a media center that presents to a voter recorded media having a plurality of available logical branches;

        at least one computer coupled to said media center, said computer also being coupled to said at least one voter through a voter interface;

        said at least one computer having programming code to <u>obtain,</u> accumulate and process votes from said at least one voter;

        wherein during the presentation of said recorded media having a plurality of available logical branches said computer receives at least one vote <u>for at least one of the plurality of available storyline branches from said at least one voter</u> through said voter interface means, accumulates said at least one vote <u>for at least one of the plurality of available storyline branches, multiplies at least one received vote by a weight factor based on voter characteristics, the weighting factor being based on at least ticket pricing, selectively excludes votes based on voter characteristics from the accumulated votes for a specific storyline branch, determines a winning tally that corresponds to a specific storyline branch</u> and selects at least one logical branch, associated with the accumulated votes, from the plurality of available branches <u>as a future storyline branch</u> creating an interactive storyline in real time<u>, and generates a media version matrix specifying a storyline having a particular set of logical branches for later use and retrieval</u>.

62.   (Currently Amended)   The system of claim 61, further comprising a media version matrix generated by recording the at least one logical branch selected <u>by the voting</u> during the presentation of said recorded media having a plurality of available logical branches.

63.   (Previously Amended)   The system of claim 62, wherein said at least one computer specifies a particular previously selected storyline from said plurality of possible storylines to be presented to a voter through said media center by recalling said version matrix associated with said recorded logical branch.

64.   (Original)   The system of claim 61, wherein said at least one computer coupled to said media center includes at least one portable device.

65.   (Original)   The system of claim 64, wherein said voter interface is said at least one portable device.

66.   (Currently Amended)   The system of claim 61, wherein said voter interface is a device [[local]] directly coupled to said media center.

67.   (Currently Amended)   The system of claim 65, wherein said voter interface is [[remote]] indirectly coupled to [[from]] said media center via an over the air interface.

ALLOWANCE

4. The following is an Allowance in response to the Amendment submitted on 12 June 2009 and interview held with Mr. Chester Jordan on April 1, 2010.

5. Claims 1 – 30 and 51 – 60 have been cancelled.

6. Claims 31 – 33, 39, 41 – 50, 61 – 63, 66 and 67 have been amended.

7. Claims 31 – 50 and 61 – 67 are currently pending and allowed below.

REASONS FOR ALLOWANCE

8. The following is an examiner's statement of reasons for allowance.

9. The present invention is directed to a system and method that permits members of an audience viewing a movie to participate in a dynamic viewing environment wherein the members of the audience can influence the storyline or plot by voting their preference during the presentation of the movie at branching points. The invention thus provides means for selecting divergent storylines using branching techniques and vote acquisition means that ultimately determine the storyline. The invention provides means for acquiring votes, excluding votes based on voter characteristics and weighting the votes by a weight factor also associated with voter characteristics. The invention also provides means for weighting the votes based on the ticket price paid by the audience member and selecting a winning tally from among a plurality of available storylines that determines the storyline that is experienced by the audience.

10. The closest prior art of Minneman (US 6243740 B1), Williams (US PgPub 20020178442 A1) and Oko, Jr., et al. (US 6947966 B1) fail to teach or suggest either singularly or in combination the steps of selectively excluding votes based on voter characteristics, weighting the votes based at least on ticket pricing, and generating a media version matrix for specifying and recording a selected storyline having a particular set of logical branches for later retrieval and display as recited in independent Claims 31, 41 and 61. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays,

should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Bradley Bayat** whose telephone number is **571.272.6704** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to:

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Randolph Building

401 Dulany Street

Alexandria, VA 22314.

Mark A. Fleischer
/Mark A Fleischer/
Examiner, Art Unit 3624   2 April 2010

/Scott L Jarrett/
Primary Examiner, Art Unit 3624